

Plaintiff Jason Lindsey filed the above-captioned lawsuit on May 1, 2018, on behalf of his son, J. L., a minor and protected person. ECF Doc. 1. Defendant Special K Ranch, Inc., filed its answer on May 29, 2018. ECF Doc. 5. On May 15, 2018, the court issued its Order setting a preliminary pretrial conference and directing the parties, *inter alia*, to file a joint discovery plan and preliminary pretrial statements. ECF Doc. 4.

The court's order of May 15, 2018, also directed the parties to participate in an attorneys' conference by June 10, 2018, for the purpose of discussing the matters set forth in Rule 26(f), FED R. CIV. P., and preparing the joint discovery plan. That conference did not take place for reasons beyond the control of defense counsel or counsel for plaintiff, Veronica Proctor and Jon Moyers. In this regard, on June 22, 2018, defense counsel received a telephone call from Ms. Proctor advising that she and Mr. Moyers would no longer be representing plaintiff in this matter. Later the same day, defense counsel received a telefax from Suzanne Harrell, J.L.'s mother, which included a copy of a letter from Ms. Harrell and plaintiff Jason Lindsey to Ms. Proctor and Mr. Moyers advising the latter that their representation of Ms. Harrell, Mr. Lindsey, and their son had been terminated "effective immediately". ECF Doc. 8 at Exhibit 1. Also included with Ms. Harrell's telefax was a letter to attorney Cynthia Wood advising Ms. Wood

that her representation, apparently in connection with a guardianship and conservatorship proceeding, had also been terminated. *Id.*

On August 9, 2018, Ms. Proctor and Mr. Moyers filed their motion to withdraw as counsel. ECF Doc. 12. Ms. Proctor and Mr. Moyers represented that they had written to plaintiff on June 27, 2018, and again July 1, 2018, apprising him of their intent to withdraw. Ms. Proctor and Mr. Moyers prepared and provided to plaintiff a Notice of Intent which they asked him to sign and return. That notice asked plaintiff to confirm his intention to terminate their services and acknowledge his obligation to retain new counsel or proceed *pro se*. Plaintiff did not sign and return either notice. ECF Doc. 12.1

By order dated August 10, 2018, the court granted counsels' motion to withdraw. The court's order expressly directed plaintiff to either retain new counsel or appear *pro se* within sixty (60) days. ECF Doc. 13. Allowing three (3) days for service by mail pursuant to Rule 6(d), FED. R. CIV. P., plaintiff's deadline for retaining new counsel or appearing *pro se* was October 12, 2018.

Plaintiff has not complied with the court's order. Plaintiff has not appeared *pro se* and no new counsel has appeared on plaintiff's behalf. Accordingly, plaintiff's lawsuit should be dismissed with prejudice.

DATED this 16th day of October, 2018.

/s/ WILLIAM J. MATTIX
CROWLEY FLECK PLLP
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served upon the following counsel of record, by the means designated below, this 16th day of October, 2018:

<u>X</u>	U.S. Postal Service	Jason Lindsey
_____	FedEx	5130 Thomason Avenue
_____	Hand Delivery	Columbus GA 31904
_____	Facsimile	
_____	E-mail	

/s/ WILLIAM J. MATTIX
CROWLEY FLECK PLLP
Attorneys for Defendant